# FLATHEAD COUNTY PLANNING AND ZONING OFFICE CONDITIONAL USE PERMIT REPORT (#FCU-20-01) RANGER SPRINGS, INC. MAY 19, 2020

# Update April 30, 2020

The staff report has been updated since the Bigfork Land Use Advisory Committee (BLUAC) original public hearing to add clarification regarding the tracts to be utilized for the camp/retreat center, as only 156 acres of the 470 acres owned by Ranger Spring, Inc. will be utilized for the proposal. The update will also includes additional public comment received after the first draft of this report was competed, including public comments regarding parking. The discussion on the parking requirements has been change as there was some confusion as to how many parking spaces are required for the temporary events to be held on the property. An email from the applicant states, "The applicant requested less than 1/10 of the 6,500 spaces published in the County Planning report. The unusually large number was not requested nor required by the applicant. Our apologies for causing undo concern." Please refer to the parking section for further discussion on the parking requirements.

The file will be reheard at the Thursday, May 28, 2020 at 4:00 pm BLUAC via a teleconference meeting due to a clerical error. Details of the Bigfork Land Use Advisory Committee's previous actions can still be found on the attached addendum to this report.

## I. GENERAL INFORMATION

## A. Project Description

This is a report to the Flathead County Board of Adjustment regarding a request from Doug Averill, on behalf of Ranger Springs, Inc. for a Conditional Use Permit for "Camp and Retreat Center." The property is located within the Bigfork Zoning Districts and is zoned 'AG-40 Agricultural.'

## **B.** Application Personnel

### 1. Owner

Ranger Springs, Inc 1355 Creekside CT Kalispell, MT 59901

## 2. Applicant

Doug Averill PO Box 248 Bigfork, MT 59911

#### C. Process Overview

### 1. Land Use Advisory Committee/Council

### Update April 6, 2020

On March 26, 2020 the Bigfork Land Use Advisory Committee (BLUAC) held a public hearing to consider the proposed conditional use permit. After staff presentation, applicant presentation and public comment the Planning Board voted 5-0 to adopt the staff report as Findings of Fact and voted 5-0 to forward a positive recommendation to the Board of County Commissioners and Planning Board. Details of the Committee's actions and the Findings of Fact and revised conditions of approval are included on the attached addendum to this report.

# **Update May 7, 2020**

The file will be reheard at the Thursday, May 28, 2020 at 4:00 pm BLUAC via a teleconference meeting due to a clerical error.

### 2. Board of Adjustment

The Flathead County Board of Adjustments will conduct a public hearing on the proposed conditional use permit on June 2, 2020 at 6:00 P.M. remotely via WebEx. Documents

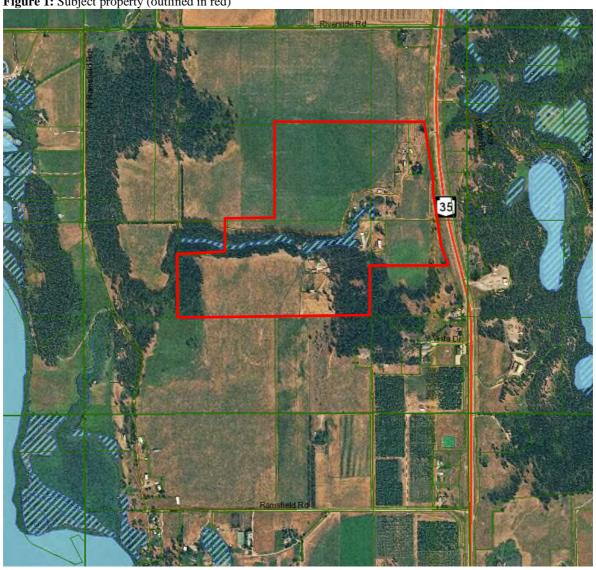
pertaining to this file are available for public inspection online at http://flathead.mt.gov/planning\_zoning/boardofadjustment.php.

### II. PROPERTY CHARACTERISTICS

# A. Property Location and Size

The subject property is located at 6810 and 6840 Highway 35 in Bigfork, MT (see Figure 1 below). The property is 165.5 acres and can legally be described as Tracts 3DA, 3DB, 5, 6F, 8, and 8C in Section 06, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in red)



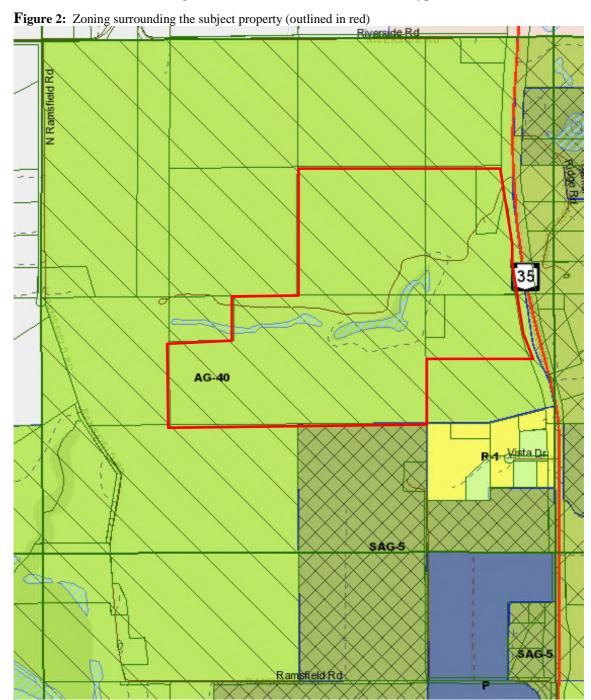
# B. Existing Land Use(s) and Zoning

The property is made up of multiple tracts and contains a farm. There is a cabin, house and caretakers facility on the separate tracts, along with a hay shed, barn, shop, and various other out buildings. In the middle of the property is a spring pond and creek with some trees around it. The farm was previously used to produce seed, grow potatoes, raise hogs, and more recently to raise cattle and produce hay.

The property is zoned 'AG-40 Agricultural.' AG-40 is defined as, "A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development."

## C. Adjacent Land Use(s) and Zoning

Land to the north and west is area that are not zoned. Also to the west is similarly zoned AG-40. To the east and south of the subject properties are AG-20, SAG-5, R-1 and P. The general character of the surrounding area is rural with vacant and estate type lots and farmland.



## D. Summary of Request

The applicant is requesting a conditional use permit to allow for of a camp/retreat center located on the subject property, pursuant to Section 3.05.030(5) of the Flathead County Zoning Regulations (FCZR). The application describes the proposal as, "The farm will continue agricultural operations and will look and function basically the same as in the past. The vision is creating a community accessible farm, to include people of all ages, primarily youth, to engage in farm chores and activities, to learn from hands on experience. Organized activity would offer a variety of equestrian, agricultural, educational and fun programs. The Farm is home base to a 501-c3 public Charitable Foundation with the theme of 'Preservation of the Early West.' The Foundation will focus on presenting western historical display items and hosting; special needs and terminally ill children for a day on a Farm.

"Numerous buildings exist, with no significant new buildings planned. The next two years projects include; updating infrastructure, replacing corrals and equestrian facilities and updating irrigation systems for additional crops."

"The south 20 acres is an area set aside for growing 'organic products' providing vegetables to local outlets. A greenhouse structure would be added east of the existing potato shed which would be utilized in the farm to market operation."

Many of the existing structures will be utilized for the historic use of the structure. The applicant is proposing to use the main house as a gathering point, restrooms, and history center with displays. The red barn will be used to display historic carriages/wagons. Other activities that would be included are; chuck wagon Bar-b-que with educational speaker, rodeo, farm gatherings, skijoring, ice skating, and Christmas toy building. Many of the proposed larger events would occur on an irregular bases and some might never occur but this report will consider the impacts from such events (rodeo, skijoring, endurance events, etc.) as they are mentioned in the application.

A camp/retreat center is defined as Section 8.04.010 of the Flathead County Zoning Regulations (FCZR), "A camp or retreat center use is defined as a land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use."

"The plan is to share knowledge about life on a farm, agriculture and the western lifestyle; inspiring a child to grow up a new generation cowboy or farmer, [...]."

Within the AG-40 zone the placement of an Camp/retreat center requires a conditional use permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit.

#### III. COMMENTS

#### A. Agency Comments

- 1. Agency referrals were sent to the following agencies on February 18, 2020:
  - Bigfork Fire Department
  - Flathead County Road and Bridge Department
  - Montana Department of Transportation
  - Flathead County Solid Waste
  - Flathead City-County Environmental Health Department
  - Flathead County Weeds & Parks Department

- Bonneville Power Administration
- 2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:

#### BPA

 Comment: "At this time, BPA does not object to this request, as the property is located 7.0 miles away from the nearest BPA transmission lines or structures." Email dated February 24, 2020.

# • Flathead County Solid Waste District

o Comment: "The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the licensed (PSC) Public Service Commission Licensed hauler in this area." Letter dated February 20, 2020.

# • Montana Department of Transportation

- Ocomment: "The proposal would allow a Camp-Retreat designation for the property with it continuing to function as a farm and allow for educational activities related to farming. The proposal states that access will continue to be via existing approaches to the property which includes three direct approaches to Highway 35 with no anticipated change in traffic use at this time.
- o "We offer the following comments regarding this properties approaches to Highway 35. Any change in use of an existing access typically requires a new approach permit to be approved by MDT. In the future if there is a change from the current use of the approaches then the owner will need contact the MDT Kalispell Office to determine if a new approach permit is needed. For example two of the approaches to Highway 35 have historically only been for what is identified as farm/field use, thus if the use were to change to a residence then a new permit would be needed." Email received March 5, 2020.

## • Flathead County Road and Bridge Department

o Comment: "At this point the County Road Department does not have any comments on this request." Letter dated February 20, 2020.

## **B. Public Comments**

1. Notification was mailed to property owners within 150 feet of the subject property on March 18, 2020, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the March 22, 2020 edition of the Daily Interlake.

#### 2. Public Comments Received

As of the date of the completion of this staff report, this office received a letter with 66 names attached and 31 emails forwarding the same letter and stating they agree with it, from people whose name was attached to the letter.

- o Comment: "SUPPORT
- o "First, we are grateful that the property, zoned Ag 40, will continue agricultural operations and will look and function basically the same as in the past. We appreciate that Ag 40 zoning will protect and preserve the agricultural land and control uses not compatible with farming and ranching, such as residential development. Many of us sought out this area in Bigfork for its serenity, seclusion, waterfront and 360 degree mountain views. The property surrounding the ranch is pristine with an abundance of wildlife, open pastures, forested and landscaped estate properties. Some of us enjoy

- the artesian spring that originates on the ranch and flows through our properties creating a nature preserve for birds, including eagles, osprey and owls and a variety of fish and aquatic species. In the winter the artesian spring is a refuge for thousands of ducks and geese. The neighboring properties are special and unique.
- "Secondly, neighbors who know Doug Averill ("the applicant") believe he has the capabilities and experience to rejuvenate the agricultural land to enhance crop production, regenerate pastures to support farming and livestock operations and renovate aged and dilapidated facilities. We collectively support his vision of creating a community accessible farm to engage in farm chores and activities and educational programs geared at supporting farming and ranching. We believe this to be beneficial to the Bigfork community.
- o "We support the 501-c3 public Charitable Foundation home-based on the ranch with focus on presenting western historical display items and hosting special needs and terminally ill children. We find this philanthropic endeavor fills a need in the community.
- o "CONCERN
- "Our concern is the latitude provided by the Conditional Use Permit for a "Camp or Retreat Center" designation as defined in Section 4.03 of the FCZR, specifically, the "Outdoor Recreation" designation provided as an anticipated use. The applicant contemplates rodeo, equestrian, endurance, skijoring, farm gatherings and educational speakers among other high impact events; and school field trips, chuck wagon Bar-b-que, barn dance, educational walks and sleigh rides as lower impact events. There are no restrictions on the quantity or size of events permitted. Ranger Springs could become an event center replacing other venues throughout the Flathead Valley. Doug Averill properties already host large events such as the Spartan race, Guitar festival, July 4th celebrations among others. With his history and experience it's undeniable that other event operators will seek out Doug and this ranch to host any number of events. Case in point, the applicant disclosed at the Bigfork Land Use Advisory Committee meeting on March 26, 2020, that he's been approached to host the rodeo at Ranger Springs. Averill admitted this was a possibility. It's also likely that Flathead Lake Lodge events would migrate to this ranch.
- "Next, Doug approached multiple landowners west of the ranch seeking an easement for river access for Flathead Lake Lodge guests, among others. This suggests its likely Flathead Lake Lodge and other Averill properties events, guests and traffic will migrate to Ranger Springs. Our concerns are well-founded.
- "To understand the potential maximum permissible size of an event, we reviewed the Flathead County Planning and Zoning Office Conditional Use Permit Report (#FCU-20-01) dated March 19, 2020 ("staff report"). The applicant proposes an area exceeding 1,873,080 square feet for parking. This would allow approximately 6,504 vehicle parking spaces. FCZR Section 6.06.070 indicates this is sufficient parking for an event of 32,520 people. Under current regulations, this is permissible absent a limitation on the size of an event. While we appreciate that the staff report recommended limiting a maximum of 600 temporary parking spaces for event parking, there is no limit to the number of attendees who could be bused in. Any such event will radically deteriorate the face and character of this neighborhood. We oppose this.
- o "Averill's or their successors may or may not contemplate high impact events. The fact is, once the permit is approved, these events will be permitted without oversight,

regulation or any measure of impact to the neighborhood. All neighbors will lose any participation or objection to events. Without limitation on the type, size and number of large events, our use and enjoyment and legal interests will be sacrificed to excessive traffic, noise and vibration, dust, ingress/egress issues and inappropriate hours of use. No current owner invested here just to have their quality of life being greatly diminished. Our safety and security are at risk of trespassing, theft, and vandalism of property (discussed below). This will result in devaluation of neighboring property values and the loss of the serenity and privacy we paid a high price for when acquiring our properties; and continue to pay with extremely high property taxes. The owners of neighboring properties bordering the ranch collectively own over 900 acres of land. While we would be negatively impacted, the ranch or its foundation, will increase its value by generating significant income from unlimited large events. This is fundamentally unfair.

- o "The Conditional Use Permit Report (#FCU-20-01) to the Flathead County Board of Adjustment did not consider "infrequent large events" without defining size or quantity. The report states
- o "Many of the proposed larger events would occur on an irregular bases and some might never occur but this report will consider the impact from such events (rodeo, skijoring, endurance etc.) as they are mentioned in the application".
- "The staff report author's conclusions for access, traffic circulation and immediate neighborhood impact were each made within an unrealistic context: "infrequent large events". The occurrence of events being anything more that infrequent would be devastating to the surrounding neighbors. The staff report completely failed to acknowledge or measure neighborhood impact. And while the Bigfork Land Use Advisory Committee recommended limiting large events to no more than two per calendar year of more than 1,500 people, they still lacked any understanding or comment on neighborhood impact. Per BLUAC, not only are unlimited events of 1,500 people or less allowed, but no limit was put on the number of people allowed at large events, as in our example above of 32,520 people or more. Permitting the applicant to host unlimited events of 1,500 or less (however frequent) or large events without defining the maximum allowable attendees (however infrequent) allows it to run as an events center. This is not the place to do this. The surrounding area has sufficient event venues, as in the Flathead County Fair Grounds or in Majestic Valley Arena. There is no community need to bring large events to private, pristine land.
- "Next the conclusions reached by the Flathead County Board of Adjustment did not take into consideration the transfer of these provision to future owners. They repeatedly mentioned the trust they have in the applicant to "do the right thing" without consequence of his actions or his future actions or future owners actions and intentions. This is favoritism at our expense, not adherence to regulation or property rights.
- "Large events of any frequency of over 500 people will create excess traffic, dust, noise, and often take place late into the evening. These events will likely occur in spring/summer months where we spend significant time out-of-doors. Noise, vibration, dust pollution, traffic and nuisance will adversely affect our quality of life. Neighbors west of the ranch have waterfront property. Large events will increase the risk of trespass to the river and the potential of break-ins, vandalism and property damage if event attendees stray from the ranch boundaries.
- o "TRAFFIC CONCERNS

- "Summer traffic on Highway 35 is extremely heavy and the speed limit is 70 mph. It is already hazardous and near impossible to make left hand turns onto the highway or from the highway into the main ranch entrance or onto Ramsfield and Riverside Road. Any event exacerbates this. Any event proposal should require a traffic study to properly scope the future needs for traffic mitigation in the area. Ramsfield and Riverside roads are considered secondary access points to the ranch. Ramsfield is a gravel two lane county road with ranch access to a south pasture which is likely an event site and will be the primary access for the public to an organic greenhouse. Even with limited use, neighbors on Ramsfield have constant dust problems and have been funding their own dust mitigation. Crops are raised on both sides of the road and dust from high traffic would be detrimental to crop production.
- "OTHER CONCERNS EXPRESSED BY NEIGHBORS
- o "The applicant is requesting the use permit under his charitable foundation, Paladin. Will Paladin be the sole beneficiary of the use permit, or will the benefits apply to Doug Averill or his other interests, or to the property owners or other related parties?
- o The Conditional Use Standards in Section 4.03.010 of the FCZR for a camp or retreat center states
- "A camp or retreat center is defined as a land use to provide camping or retreat center activities characterized by rural settings in a rustic environment. Uses are primarily seasonal but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use".
- o "What specifically would the general public be permitted to use on the ranch?
- o "The staff report concluded that the application was absent any environment constraints. However the applicant intends to install a new hydro/generator to power the farm and add a central septic system and future drain fields that would meet environment and utility regulations. How will these actions impact water or air quality, wildlife habitat and refuge around the wetlands and streams and how will neighbors be protected that any future actions by the applicant will not take away from our property and/or water rights?
- "The staff report also states that any change in use of an existing access typically requires a new approach permit to be approved by the MDT. Most of the access points on the ranch are agriculture in use. What are the anticipated changes to existing access points to the ranch? What oversight and measure of impact to the neighborhood is required when granting these new approach permits; and what are the rights of impacted neighbors of notification and participation or objection?"
- REQUESTS
- o "To mitigate the adverse impacts to adjacent neighbors, we respectfully request the Board of Adjustment place as condition for approval the following:
- "Limit approval for use only by the Public Charitable Foundation, named Paladin, the charitable foundation under Doug Averill only. It should not be assigned or transferrable to any other foundation, owner, partner, family member or successor in title. If the foundation sells or transfers its control or interest, the permit expires and should not be reapplied for;
- "Limit the number of large events to two per calendar year; Define "large event" as 500 people but not more than 1,500 people per day within any three consecutive days. Limit evening hours to shut down no later than 9PM. This limitation allows unlimited events with fewer than 500 people. This number is more than adequate to allow for

low impact events such as school field trips, chuck wagon Bar-b-ques, barn dances, etc. This is also supported by the parking restrictions around the red barn which would be limited to 80 parking spaces, or 400 attendees, anyway. It would ensure a maximum of 6 days of high traffic, dust, noise and nuisance in any calendar year. This is already a sacrifice by neighbors, but it's a compromise which we each accept. Adjoining landowners recognize the value of the farm parcel and limited public events which support a truly unique community. And to that end, we'll compromise some of our privacy and endure limited activity and noise etc. to support it. But we should not have to sacrifice ALL of the property values for unlimited events.

- "Conduct a traffic study to properly scope the future needs for traffic mitigation in the area. Prohibit event access off Ramsfield Road, N. Ramsfield Road and Riverside Road. If that is not granted; the applicant should be required to pave Ramsfield Road to county standards prior to holding their first event. Additionally, require the applicant to provide traffic control and security for each event and garbage pickup every day of a large event.
- "We consider this to be an amicable solution and in line with the applicant's vision of creating a community accessible farm geared at supporting farming and ranching. This would address our concerns and mitigate the detrimental impact to neighboring property values, safety and security, and peace and serenity." Letter received May 6, 2020

This office received 12 written public comments in favor of the conditional use permit two of those commenters have since change their minds and attached to the letter opposed to the application. The comments in favor discuss protecting and preserving farms, open space, local community and values, and serving the youth.

And there was one comment that only stated he was opposed to the name Ranger Springs.

It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for June 2, 2020. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

### IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

# A. Site Suitability

## 1. Adequate Usable Space

The subject property over 156 acres in size and contains a working farm with a spring pond in the middle of the property. The properties contain a house, cabin, and caretaker's facility, along with a hay shed, red barn, multiple shops, mill, equipment shed, horse barn, lower barn, small office with a bunk house, metal barn, tack room, barn chutes, calving shed, potato shed, equipment/hay shed, corrals (located south of the pond) and outhouses.

Most of the property remains open. Many of the existing structures will be utilized for the historic use of the structure. The applicant is proposing to use the main house as a gathering point, restrooms, and history center with displays. The red barn will be used to display historic carriages/wagons. Additional new uses will include herding cattle, sleigh rides educational walks bike trails, bathroom, or green house.

Based on the site plan, application and site visit, there appears to be adequate usable space on the property for the camp/retreat center on the over 156 acres.

**Finding #1** – The subject property appears to contain adequate usable space because the property is approximately 156 acres, the existing buildings appear to meet setbacks, and the applicant is not proposing any new buildings at this time.

#### 2. Adequate Access

According to the applicant, the property currently has access at eight locations, three via a Highway 35, and five from Riverside and Ramsfield Roads. Highway 35 is a paved two-lane highway within an easement of varying width. Ramsfield Road is a two-lane gravel road within a 60-foot easement. Riverside Road is a two-lane paved road within a 60-foot easement. Primary access would be off Highway 35 as most of the parking areas can be accessed from the main entrance.

The Flathead County Road and Bridge Department had no concern with this proposal. Comments from MDT state, "Montana Department of Transportation, "The proposal would allow a Camp-Retreat designation for the property with it continuing to function as a farm and allow for educational activities related to farming. The proposal states that access will continue to be via existing approaches to the property which includes three direct approaches to Highway 35 with no anticipated change in traffic use at this time.

"We offer the following comments regarding this properties approaches to Highway 35. Any change in use of an existing access typically requires a new approach permit to be approved by MDT. In the future if there is a change from the current use of the approaches then the owner will need contact the MDT Kalispell Office to determine if a new approach permit is needed. For example two of the approaches to Highway 35 have historically only been for what is identified as farm/field use, thus if the use were to change to a residence then a new permit would be needed."

**Finding** #2 – The access appears adequate for the proposed camp/retreat center because the main access will be off Highway 35, Highway 35 and Riverside Road are both paved public roads capable of handling increased traffic from a camp/retreat center, the Road and Bridge Department had no concerns with the proposal and any change in use will require a new permit from the Montana Department of Transportation.

### 3. Absence of Environmental Constraints

According to FEMA FIRM Panel 30029C2305J, is designated as an unshaded Zone X. The Zone X is classified as an area outside a 0.2% annual chance flood. The center of the property contains a spring pond and creek that is mapped as wetlands. The creek flows to the west toward the Flathead River. The applicant is not proposing to construct any new buildings as part of this proposal.

**Finding** #3 – The site appears absent of environmental constraints for the proposed use because the property does not contain floodplain and the applicant is not proposing to construct any new buildings at this time.

# **B.** Appropriateness of Design

## 1. Parking Scheme

The application states, "Multiple parking areas are available around the houses, barns and service buildings, in the least visible location. Occasional event parking would be in open

meadows." Thapplicant also stated in a phone conversation parking would be located next to the red barn, north of the pond and next to the corrals.

The parking regulations for a museum found in Section 6.04.040 requires 1 space per 500 square feet of gross floor area plus 1 for every 2 employees per maximum shift. The barn is approximately 3,200 square feet, the main house is 3,144 square feet and the equipment shed is estimated to be 800 square feet. The applicant also anticipates 2-4 employees, 4 employees would require 2 additional spaces the total daily operations would require 17 permanent parking spaces.

The nearest use listed in the parking regulations for a barn gathering, or bar-b-que type event would be for 'Convention and meeting facilities, sole use' found in Section 6.03.050 FCZR and 'Auditoriums, theaters, churches or other places of assembly' [Section 6.06.07]. Both of these uses require 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater. The barn is approximately 3,200 square feet which would require 80 parking spaces.

The nearest use listed in the parking regulations for a rodeo or other event would be for 'Stadiums, special arenas and similar open assemblies' found in Section 6.06.070 FCZR, which requires 1 space per 5 seats or 100 square feet of gross floor area used for assembly spaces without seats, whichever is greater. Many of the larger events would occur infrequently and temporary parking areas would be used next to the corrals north and south of the pond, and near the red barn. The applicant anticipates approximately 3,000 people may attend a larger event therefore approximately 600 temporary parking spaces would be required for large events. A shuttle service to from the Flathead Lake Lodge or other parking areas will be available for both larger events and weekly activities.

Neighbors expressed concern with the amount of cars that could be parked (6,504) within the areas designated by as parking for the large events in the original staff report. That calculation was meant to show that the property contains more than the 600 space that would be required for a large event based on the number of people in attendance as provided by the applicant. In no way was it meant to state that large events would require parking for 6,504 vehicles and allow for the attendance of 32,520 people.

The applicant sent an email stating, "Please note clarification to Ranger Springs parking: The applicant requested less than 1/10 of the 6,500 spaces published in the County Planning report. The unusually large number was not requested nor required by the applicant. Our apologies for causing undo concern."

The open meadow next to the red barn is over 4 acres, next to the corral is over 25 acres and north of the pond over 14 acres. The planned parking area for special events is an open field which should be mowed and with appropriate fire prevention methods employed before the larger events. The applicant has indicated portions of 43 acres could be utilized for parking, most of which are open fields. Given the size of the areas proposed to be utilized for parking the property is capable of providing parking spaces for the typical day-to-day operation of the camp/retreat center and the temporary events.

Driving lane between the parking spaces are required to be 20 feet wide for two-way traffic as set forth in Appendix A [FCZR]. Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated. This can be accomplished with spray paint or flagging for larger events. Based on staff's site visit and the submitted site plan, the parking area

appears to be appropriate to accommodate the proposed use daily use and potential larger events.

#### 2. Traffic Circulation

The main point of ingress and egress to the camp/retreat center proposed on the subject property currently is by Highway 35. The primary access and driveway is 22 feet in width and roughly 1,200 feet to the split in the road where it loops around the pound and narrows to approximately 14 feet. The main parking area will located on the wider portion of the road. The loop road will likely be used for larger events. Based on staff's site visit and the submitted site plan, the existing driveways and access of the property appears to be appropriate to accommodate the proposed use daily use and potential larger events.

**Finding** #4 – The proposed designated parking scheme and traffic circulation is acceptable with standard conditions because it can be conditioned to provide 600 parking spaces needed for the temporary events and 17 spaces for daily operation as there is adequate open space on the property to accommodate the required parking and the existing driveway is adequate to accommodate traffic circulation.

## 3. Open Space

The subject property over 156 acres in size and contains a working farm. The properties contain a house, cabin, and caretaker's facility, along with a hay shed, red barn, multiple shops, mill, equipment shed, horse barn, lower barn, small office with a bunk house, metal barn, tack room, barn chutes, calving shed, potato shed, equipment/hay shed, corrals and outhouses. In the middle of the property is a spring pond. Most of the property remains open. With an acreage of 156acres there is adequate open space for the proposed use.

## 4. Fencing/Screening

The application indicates, "Livestock fences will be updated or replaced. The entire perimeter is woven wire with two barb wires for a secure perimeter fence."

No fencing or screening is required for the proposed use or in the AG-40 zone, the barbed wire is permitted within the AG-40 zone ad AG-40 does not have a maximum fence height. The proposed fencing constructed on the property would be required to comply with Section 5.04 FCZR.

### 5. Landscaping

The applicant is proposing tree plantings, irrigation and flower gardens around the homestead. Currently around the houses are trees and in the middle of the property is a spring pond and creek with some trees around it. No landscaping is specifically required for the proposed use based on the applicable zoning regulations.

## 6. Signage

The current signage on the property is a Ranger Springs sign over the gate. The applicant states, "Any signage will be minimal and limited to information, trail signs educational or history boards, all in rustic design."

All proposed signage is required to comply with Chapter 7 of the Flathead County Zoning Regulations.

## 7. Lighting

The applicant states there are proposing dark sky compliant lighting and existing yard lights are under scrutiny to add reflector shields. All lighting on the property is required to comply with Section 5.12 of the Flathead County Zoning Regulations, as to not impact area residents.

**Finding #5** – The proposed use appears appropriately designed because the applicant is not proposing new fencing, the current fencing complies with the regulations, landscaping is not required, signage and exterior lighting will comply with the regulations, and the property is 156 acres, most of which will remain open space.

## C. Availability of Public Services and Facilities

#### 1. Sewer

The application states three septic systems will service the proposed use. The applicant will consider adding new restroom facilities based on future needs of the camp/retreat center. The site plan show three location for drainfields with adequate space for mixing zones.

The Flathead City-County Environmental Health Department did not provide comment on this request. Environmental Health typical comments on camp/retreat centers state review is required for waste water. The applicant will be required to obtain permitting from Environmental Health and DEQ for sewer prior to the operation of the camp/retreat center.

#### 2. Water

The applicant is proposing to utilize a ground well for domestic water. Irrigation and water for the livestock comes from the pond. The application also states the farm has water rights recorded for the farm, livestock and domestic use.

The Flathead City-County Environmental Health Department did not provide comment on this request. Environmental Health typical comments on camp/retreat centers state review is required for potable water. The applicant will be required to obtain permitting from Environmental Health and DEQ for water prior to the operation of the camp/retreat center.

**Finding #6** – The requirements for waste water treatment and water for the camp/retreat center appear to be acceptable because the proposed use will require re-review through the Flathead City-County Health Department and Montana Department of Environmental Ouality.

# 3. Storm Water Drainage

Storm water drainage is proposed to be managed onsite. The applicant is not proposing any new construction, therefore increased storm water runoff as a result of this proposal is not expected. The applicant will be required to obtain all permitting from Environmental Health and DEQ for prior to the operation of the camp/retreat center.

**Finding** #7 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption.

### 4. Fire Protection

The subject property is located in the Wildlife Urban Interface, but not a Fire District Priority Area or County Wide Priority Area. The property is fairly open with a wooded area around the pond and creek. According to the applicant, "Ranger Springs keeps a modern Mack pumper fire truck on site for open burning and added protection. Fire district requirements would not increase from previous service."

The subject property is currently served by the Creston Fire Department on the north half of the property and Bigfork Fire Department on the south half of the property. A majority of the structures are located in the north half of the property within the Creston Fire District. The nearest Creston Fire Station is located approximately 6.0 miles northwest and Bigfork Fire Station is located approximately 4.2 miles south. No comment concerning this application was received from the local fire departments.

#### 5. Police Protection

The property would be served by the Flathead County Sheriff's Department. It is anticipated response times in emergency would not be unreasonably long given the property's proximity to an urban, developed area of the County.

**Finding #8** - The proposed expansion appears to have acceptable impacts on public services and facilities because both the Creston and Bigfork Fire Departments and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

#### 6. Streets

As previously stated, the property currently has access at eight locations, three via a Highway 35, and five from Riverside and Ramsfield Roads. Highway 35 is a paved two-lane highway within an easement of varying width. Ramsfield Road is a two-lane gravel road within a 60-foot easement. Riverside Road is a two-lane paved road within a 60-foot easement.

**Finding #9** – The proposed use would have minimal impact on street because the property has access off two county maintained roads, Riverside and Ramsfield Roads, and MDT maintained Highway 35.

# D. Immediate Neighborhood Impact

#### 1. Excessive Traffic Generation

According to the applicant, the property currently has access at eight locations, three via a Highway 35, and five from Riverside and Ramsfield Roads. Highway 35 is a paved two-lane highway within an easement of varying width. Ramsfield Road is a two-lane gravel road within a 60-foot easement. Riverside Road is a two-lane paved road within a 60-foot easement. Primary access would be off Highway 35 as most of the parking areas can be accessed from the main entrance.

The most recent traffic count from MDT in 2018 on Highway 35 just north of Highway 82 is 7,424 ADT. The most recent traffic count from 2014 for Riverside Road west of Highway 35 is 258 ADT, and Ramsfield Road west of Highway 35 is 135 ADT.

Staff could not find average vehicle trips for either a similar camp or retreat center. According to the applicant most days there will be only 10 additional ADT to the property for the camp/retreat center. On the few occasions during the summer with field trips the traffic could be 20 trips. When the property host larger events the trips could rise to approximately 1,200 if everyone drove directly to the site. To mitigate the traffic the applicant has stated they will provide shuttle service from the Flathead Lake Lodge and other parking locations to the site. It is likely that there would never be 1,200 trips during the larger events.

The normal 10 trips per day would be an increase of approximately 0.1% of Highway 35 off the primary access. Event traffic could increase traffic on Highway 35 by 13.5% if no shuttle serviced was utilized.

Comments from the public indicate concerns with the amount of traffic that will be generated at the larger events. The applicant shall contact MDT to discuss traffic control measures on the days of the events. Assistance from the Flathead County Sherriff's Department and Montana Highway Patrol to provide traffic control and flaggers stationed at the entrance/exit points would ensure orderly ingress and egress to and from the site.

**Finding #10** – Traffic generated by the camp/retreat center would likely have a minimal impact on the roads because county roads would be utilized as secondary access, the primary access is via Highway 35 a paved two-lane MDT maintained road, event traffic would be

minimalized by use of a shuttle and normal operation of the camp/retreat center would increase traffic by 0.1% on the highway the greatest, traffic generated will be limited to the duration of the temporary event and temporary traffic control measures could be put in place to reduce traffic problems for large events with over 1,500 people.

## 2. Noise or Vibration

According to the applicant, "Ongoing farming and field work would create minimal tractor noise. Other activities will be hands on experience in the farm/livestock activities, which will not produce noticeable noise.

"[...]. Any events that are prone to develop noise will be carefully managed for timing, behavior and location, to mostly go unnoticed. The property can absorb activity, while maintaining a quiet secluded atmosphere."

At the original BLUAC public meeting, BLUAC has added a condition require no more than two events per year with more than 1,500 people in attendance. Because of the temporary nature of the proposed uses and limiting it to two events per year no lasting and long-term impacts due to noise or vibration are anticipated to impact the immediate neighborhood

Concerns from neighbors include the number of events of under 1,500 people as BLUAC did not have a discussion about daily activities. Comments letter from the neighbors stated, "Large events of any frequency of over 500 people will create excess traffic, dust, noise, and often take place late into the evening. These events will likely occur in spring/summer months where we spend significant time out-of-doors. Noise, vibration, dust pollution, traffic and nuisance will adversely affect our quality of life. Neighbors west of the ranch have waterfront property. Large events will increase the risk of trespass to the river and the potential of breakins, vandalism and property damage if event attendees stray from the ranch boundaries."

Most days there would only be 6 to 10 people on site. On days with school buses with school children during the day number of buses would be about 5, based on the anticipated average daily traffic. The capacity of an average school bus could be anywhere from 48 to 60 depending on the age of the school children. The maximum number of children on a given day would be 300 based on school bus capacities. The visits by children would be limited to day light hours thus limiting any noise from the children to day light hours. Other events that would not meet the BLUAC definition of large events over 1,500 people, such as but not limited to a bar-b-que, could also be limited to 300 guests based on the proposed average daily trips provided by the applicant.

Flathead County does not have an adopted noise ordinance, nor are there any adopted standards regarding maximum allowable decibel levels in the Flathead County Zoning Regulations. The temporary events could generate noise from music and announcements during the event, which may be bothersome to residents in the vicinity.

**Finding #11** – The proposed use is not anticipated to have a lasting negative impact on the surrounding neighborhood from noise and vibrations because objectionable noise from music and announcements will be limited in duration for each of the two large events, and most activities will occur in the day time.

## 3. Dust, Glare or Heat

Based on the submitted application the proposed use is anticipated to create no adverse impacts on the surrounding neighborhood as a result of glare, or heat. Highway 35 and Riverside Road are paved. Ramsfield Road, the driveway and farm roads are graveled which

will generate minimal dust given the low speeds. The applicant states, "Dust control equipment is on site to water roads and riding arena."

### 4. Smoke, Fumes, Gas, or Odors

The applicant states, "No significant changes from previous farm operations." No changes in the smoke, fumes, gas and odors are anticipated to be generated by the proposed camp/retreat center as the property would continue to operate as a farm and the camp/retreat activities would revolve around the operation of the farm.

Direct impacts to area residents from smoke, fumes, gas, or odors are not anticipated for the large events as the nearest off-site residences are located on the east side of Highway 35 and the only smoke and odor would derive from outdoor cooking.

**Finding #12** – The proposed use is not anticipated to have a lasting negative impact from dust, glare, heat, smoke, fumes, gas, or odors because impacts resulting from dust may be reasonably mitigated by regular watering throughout an event and the use is not anticipated to create any permanent glare, heat, smoke, fumes, gas, vibration, or odors.

# 5. Inappropriate Hours of Operation

The applicant did not provide hours of operation but has stated they would be limited to the day time hours with rare exceptions for anything later for some events. As the property is a working farm, farming operation could extend all night during harvesting. Neighbor comments indicate they would like to see events limiting evening hours to no later than 9:00 PM.

As previously stated, at the original BLUAC public meeting, BLUAC has added a condition require no more than two events per year with more than 1,500 people in attendance but did not put limits on the hours of operation for the large events.

**Finding #13** – The hours of operation could have a negative impact on the surrounding neighborhood because the neighbors have commented they would like to see events end by 9:00PM and the applicant has stated most activities would occur during the day time hours but some events could last into the evening.

## V. SUMMARY OF FINDINGS

- 1. The subject property appears to contain adequate usable space because the property is approximately 156 acres, the existing buildings appear to meet setbacks, and the applicant is not proposing any new buildings at this time.
- 2. The access appears adequate for the proposed camp/retreat center because the main access will be off Highway 35, Highway 35 and Riverside Road are both paved public roads capable of handling increased traffic from a camp/retreat center, the Road and Bridge Department had no concerns with the proposal and any change in use will require a new permit from the Montana Department of Transportation.
- 3. The site appears absent of environmental constraints for the proposed use because the property does not contain floodplain and the applicant is not proposing to construct any new buildings at this time.
- 4. The proposed designated parking scheme and traffic circulation is acceptable with standard conditions because it can be conditioned to provide 600 parking spaces needed for the temporary events and 17 spaces for daily operation as there is adequate open space on the property to accommodate the required parking and the existing driveway is adequate to accommodate traffic circulation.

- 5. The proposed use appears appropriately designed because the applicant is not proposing new fencing, the current fencing complies with the regulations, landscaping is not required, signage and exterior lighting will comply with the regulations, and the property is 156 acres, most of which will remain open space.
- 6. The requirements for waste water treatment and water for the camp/retreat center appear to be acceptable because the proposed use will require re-review through the Flathead City-County Health Department and Montana Department of Environmental Quality.
- 7. The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption.
- 8. The proposed expansion appears to have acceptable impacts on public services and facilities because both the Creston and Bigfork Fire Departments and Flathead County Sheriff could provide services to the subject property with an acceptable response time.
- 9. The proposed use would have minimal impact on street because the property has access off two county maintained roads, Riverside and Ramsfield Roads, and MDT maintained Highway 35.
- 10. Traffic generated by the camp/retreat center would likely have a minimal impact on the roads because county roads would be utilized as secondary access, the primary access is via Highway 35 a paved two-lane MDT maintained road, event traffic would be minimalized by use of a shuttle and normal operation of the camp/retreat center would increase traffic by 0.1% on the highway the greatest, traffic generated will be limited to the duration of the temporary event and temporary traffic control measures could be put in place to reduce traffic problems for large events with over 1,500 people.
- 11. The proposed use is not anticipated to have a lasting negative impact on the surrounding neighborhood from noise and vibrations because objectionable noise from music and announcements will be limited in duration for each of the two large events, and most activities will occur in the day time.
- 12. The proposed use is not anticipated to have a lasting negative impact from dust, glare, heat, smoke, fumes, gas, or odors because impacts resulting from dust may be reasonably mitigated by regular watering throughout an event and the use is not anticipated to create any permanent glare, heat, smoke, fumes, gas, vibration, or odors.
- 13. The hours of operation could have a negative impact on the surrounding neighborhood because the neighbors have commented they would like to see events end by 9:00PM and the applicant has stated most activities would occur during the day time hours but some events could last into the evening.

# VI. CONCLUSION

Upon review of this application, the request to allow for a camp/retreat center on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

# VII. CONDITIONS OF APPROVAL

1. The camp/retreat center shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].

- 2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
- 3. The uses allowed within the camp/retreat center shall be restricted to those listed in the application and listed in the conditional use standards for a camp or retreat center set forth in Section 4.03.020 of the Flathead County Zoning Regulations.
- 4. The camp and retreat center shall be located in accordance with the minimum yard and maximum height requirements of the AG-40 zoning district, pursuant to Section 3.05.040 of the Flathead County Zoning Regulations.
- 5. The subject property shall have a minimum of 17 parking space for daily operations and 600 temporary parking spaces in conjunction with a large event in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
- 6. The parking site shall incorporate the frequent use of dust control techniques in compliance with applicable Flathead County Air Quality Regulations. Event operators shall be responsible for frequent watering of the ingress/egress locations, internal traffic circulation areas, and parking areas throughout the weekend, if conditions warrant.
- 7. Shuttle service shall be utilized for large events, outside the typical day-to-day operations of the camp/retreat, including; rodeo, skijoring, endurance events, farm gatherings, educational speakers, etc.
- 8. The applicant shall contact the Montana Department of Transportation to determine if an updated approach permit must be obtain applicable to camp/retreat center. A copy of the approved permit, if required, shall be available upon request by Flathead County Planning and Zoning.
- 9. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
- 10. All signage on the subject property shall adhere to the standards set forth in Chapter 7 of the Flathead County Zoning Regulations.
- 11. The proposed water, wastewater treatment, and storm water drainage systems for the camp/retreat center shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality.
- 12. Fencing on the subject property shall adhere to the performance standards set forth in Section 5.04 of the Flathead County Zoning Regulations.
- 13. Lighting of the camp/retreat center shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
- 14. Appropriate dust and fire mitigations will be utilized during events for the parking area.
- 15. The applicant shall limit profit generating events with attendance of more than 1,500 people to not more than two a year.
- 16. Work with Montana Department of Transportation, Montana Highway Patrol and the Flathead County Sherriff's Office to provide adequate traffic control measures for the two profit generating events of over 1,500 attendants.
- 17. The operation of the daily activities for the camp and retreat center shall be limited to 300 people a day for school trips, bar-b-que events and other small activities that are not profit generating events for the charity.

18. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EKM